

DuaneMorris[®]

FIRM and AFFILIATE OFFICES

ALBERT P. ZABIN
DIRECT DIAL: 617.289.9283
E-MAIL: apzabin@duanemorris.com

www.duanemorris.com

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September 7, 2005

The Honorable Magistrate Judge Leo J. Sorokin
United States District Court for the District of
Massachusetts
One Courthouse Way, 5th Floor
Boston, MA 02210

Re: Sheldon G. Adelson v. Moshe Hananel
U.S.D.C Docket No.: 04CV10357RCL

Dear Judge Sorokin:

This letter simply is written to inquire if the Court wishes us to file affidavits explaining the discovery of the document that established that Mr. Hananel had participated in an important meeting on behalf of IPI in Massachusetts with a subsidiary of Hewlett Packard. The document had earlier been overlooked, because it had been stored in the basement files of the accounting department and came to light only as we worked on the preparation of Mr. O'Connor's affidavit to answer the Court's specific questions relating to communications with IPI in Massachusetts and the matter and in extent of control that IPI and Mr. Adelson had exerted on Hananel and the branch office in Israel.

Mr. O'Connor had given no affidavits previously, and we had not intended that he should. It was only in response to the Court's very specific questions raised at the hearing that Mr. O'Connor's knowledge of the dealings with IPI in Israel became the object of our focused attention or that of Mr. Hamilton. We know of no authority that stands for the proposition that evidence or witnesses not disclosed as part of Rule 26(a) disclosure may not be used when they are provided in direct response to pointed requests for additional information from the Court.

Yours respectfully,


Albert P. Zabin

APZ/kr

Enclosures

cc: James A. G. Hamilton, Esquire [via email and first class mail]

DUANE MORRIS LLP

470 ATLANTIC AVENUE, SUITE 500 BOSTON, MA 02210
BOS\136863.1

PHONE: 617.289.9200 FAX: 617.289.9201